

Arkansas State Board of Embalmers and Funeral Directors
Board Meeting

MINUTES

Thursday, November 7, 2013, 9:00am
101 East Capitol, Conference Room C
Little Rock, AR

President James Terry Woodard called the meeting to order. Members present were: Vice President Bobby Thurman, Bobby Burns, and Ben Brazzel. Board members absent were: Jerry Adams and Patricia Roberts. Staff that were present: Amy Goode, Executive Secretary, Boyd Heath, Inspector, and Katina Hodge, Board Counsel.

1. *Introduction of the Board*

2. *Hearings*

a. In the matter of Karonda T. Smith-Applicant for Registration as a Student Funeral Director

Attorney Greg Kirkpatrick served as Hearing Officer and swore in witnesses.

Assistant Attorney General Kat Hodge represented the Board.

Karonda Smith appeared on her own behalf.

Court Reporter – Ms. Sharon Hill

Hearing officer Greg Kirkpatrick called the hearing on the record. Mr. Kirkpatrick confirmed with Ms. Smith that she did receive the notice of hearing for today's hearing. Kirkpatrick stated for the record that this hearing would be conducted pursuant to the Arkansas Administrative Procedures Act. The strict rules of introducing evidence do not apply and will given latitude in presenting testimony and evidence. This hearing is subject to the Freedom of Information Act and is open to the public. Kirkpatrick allowed Ms. Hodge to distribute Board's compilation exhibit 1 consisting of 18 pages that was stipulated by both parties. There was no objection from Ms. Smith to allow the exhibit to be entered into the record.

Hodge informed the Board that Ms. Smith had made application to the Board to begin her student funeral director apprenticeship. In making application, she disclosed two felony convictions. As required by the Board's statute she must appear before the Board to get approval. Ms. Smith stated that funeral directing as been her passion and she would like the Board to consider allowing her to become a funeral director. She hopes that the Board will not continue to hold her accountable for what she has done in the past.

FINDINGS OF FACT

1. Applicant has submitted an application to the Board to apprentice in the business of funeral directing pursuant to Rule V of the Rules of the Arkansas State Board of Embalmers and Funeral Directors.
2. Applicant has been accepted as an apprentice at Richardson Memorial, License # 437, under the supervision Booker Johnson, License # 1653; Javier Buck, License # 2300; and Brandon Murray, License # 22252.
3. In making application to the Board to apprentice, Applicant self-disclosed her past criminal convictions.
4. According to documents submitted with her application, Applicant has a felony conviction for Hot Check and Forgery violations. She was also convicted for overdrawing unemployment benefits.
5. Applicant's request to apprentice is supported by letters from Michael Smith, Police Chief of Stuttgart Police Department; LaVerne McDonald, Stuttgart Police Department; Marianne Maynard, Mayor of the City of Stuttgart; and Neil Maynard.
6. Pursuant to Ark. Code Ann. § 17-29-302(a)(3), every person that desires to engage in the business of funeral directing shall serve as an apprentice for twenty-four (24) months.

7. Pursuant to Ark. Code Ann. § 17-29-311, the Board “may . . . refuse to issue a license . . . for the practice of embalming or funeral directing or may place the holder thereof on a term of probation after proper hearing upon the finding the holder of the license to be guilty of acts of commission or omission, including the following: (1) Conviction of a felony.”

CONCLUSIONS OF LAW

Because of Applicant’s felony conviction, the Board may refuse to issue Applicant a license in the business of funeral directing based on her felony convictions.

ORDER

The Board has determined that Applicant’s felony conviction should not disqualify her from seeking a license to practice as a licensed funeral director and/or embalmer.

Motion made by Thurman to find factual allegations 1-7 to be found true, seconded by Brazzel, all in favor. Motion carried.

Motion made by Thurman to find charges C. 1 true, seconded by Brazzel, all in favor. Motion carried

Motion made by Brazzel to allow Ms. Karonda Smith to serve her funeral director apprenticeship, seconded by Thurman, all in favor. Motion carried.

3. Complaints

- a. **Case #13-21 – Benham, Sandra V. Premier Funeral Home, Edward Shelton, Manager** – This complaint is before the Board today for an additional review. The Board had asked the Executive Secretary to contact Premier Funeral Home for a copy of the assignment Ms. Benham signed and the statement of funeral goods and services. The Board received verification from the funeral home that they did not assign the insurance policy therefore the case had been resolved. Motion made by Brazzel that case #13-21 has been resolved and no violations found, seconded by Burns, all in favor. Motion carried.
- b. **Case #-13-23 – Johnson, James L. V. Reddick Funeral Home, Billy Reddick, Manager** – Mr. Johnson alleges that he did not receive a copy of his “Statement of Goods and Services” and that he is being requested to pay money by the funeral home that he does not owe. The funeral home in response to the complaint did provide a statement of goods and services. The complainant alleges that is not an accurate statement. The copy provided was not signed. There was not enough information provided to determine whether or not a factual statement of goods and service was received. Due to the lack of information the Board decided to set for hearing. Motion made by Burns to set Case#13-23 for hearing, seconded by Brazzel, all in favor. Motion carried.
- c. **Case #13-27 – Hosford, Karen V. Roller Funeral Home, John Barnes, Manager** – Complaint wanted to have her father’s gold crowns removed prior to cremation. The funeral home tried to accommodate the wishes of the family and did explain that the funeral home could not allow individuals to perform operations as such that were not properly trained from OSHA. That after that explanation she agreed to the arrangements and signed all the paperwork. Motion made by Brazzel no rule violations in Case #13-27, seconded by Thurman, all in favor. Motion carried.

4. Board Discussion

- a. **Unlicensed Individuals** – The Board can initiate their own complaints. The formal rules of evidence to not apply. Motion made by Brazzel to table this issue until Inspector interviews necessary parties, seconded by Burns, all in favor. Motion carried.
- b. **Bradford Funeral Home** – Executive Secretary explained that the Board office been contacted by Cynthia Medlock inquiring about how to handle the purchase of the funeral home. She is actually buying the building and will complete application to open a new establishment since Bradford Funeral Home closed.

- c. **Rule XIV Funeral Home Practices** – The rule states it does not matter who initiates the call the funeral home coming to make the removal should pay the removal fee.
 - d. **C. D. Ross Funeral Home** – Inspector went to inspect funeral home on September 25, 2013 due to calls received in the Board office that the funeral home was closed. Landlord let Inspector in and he called Mr. Ross to send in license. Executive Secretary contacted to landlord to mail them and she did.
 - e. **Rule Committee** – The Board took advice of attorney to form a rule committee. The following members were appointed: Terry Woodard, Bobby Thurman, Board attorney, Executive Secretary, Inspector. Motion made by Burns to form rule committee with the appointed members, seconded by Brazzel, all in favor. Motion carried.
5. **Meeting dates:**
- a. Next meeting scheduled for January 16, 2014 or January 21, 2014 the Executive Secretary and attorney will work out the date. Ms. Hodge cannot attend on January 16, 2014, but would see if Mark Ohrenberger could cover that day unless her schedule clears otherwise the meeting will be on the 21st.

6. **Adjournment**

Motion made by Brazzel to adjourn to meeting, seconded by Burns, all in favor. Motion carried.